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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

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JANICE HARGROVE WARREN,

5

PLAINTIFF,

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VS.

NO. 4:19-cv-655-BSM

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DR. CHARLES McNULTY, et al.,

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DEFENDANTS.

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DEPOSITION

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OF

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CHARLES McNULTY

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MONDAY, JUNE 22, 2020

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A P P E A R A N C E S:

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ON BEHALF OF PLAINTIFF:

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SARAH HOWARD JENKINS, ESQUIRE

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Attorney at Law

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P. O. Box 242694

6

Little Rock, Arkansas 72223

ON BEHALF OF DEFENDANTS:

7

W. CODY KEES, ESQUIRE

8

JAY BEQUETTE, ESQUIRE (Not Present)

9

Bequette, Billingsley and Kees

425 West Capitol Avenue

Suite 3200
Little Rock, Arkansas 72201

ALSO PRESENT:

JANICE HARGROVE WARREN

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I N D E X

WITNESS:

PAGE:

CHARLES McNULTY

Direct Examination.....

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E X H I B I T S

Exhibit One.....

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Exhibit Two.....

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Exhibit Three.....

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Exhibit Four.....

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Exhibit Five.....

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Reporter's Certificate.....

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1 The deposition of Charles McNulty was
2 taken before me, Debbye L. Petre, Certified Court
3 Reporter and notary public within and for the County
4 of Pulaski, State of Arkansas, duly commissioned and
5 acting, on Monday, June 22, 2020, beginning at the
6 hour of 9:30 a.m., at the Offices of Bequette,
7 Billingsley and Kees, 425 West Capitol Avenue, Suite
8 3200, Little Rock, Pulaski County, Arkansas.

9 Said deposition being taken in
10 accordance with the Rules of Federal Procedure and
11 pursuant to the provisions of the Arkansas Rules of
12 Civil Procedure at instance of counsel for the
13 Plaintiff in the above-styled case in the United
14 States District Court, Eastern District of Arkansas,
15 Central Division.

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17 THEREUPON, the following proceedings were had,
18 to-wit:

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1 P R O C E E D I N G S

2 WHEREUPON,

3 CHARLES McNULTY,
4 having been called for examination, and having been
5 first duly sworn, was examined and testified as
6 follows:

7 DIRECT EXAMINATION

8 BY MS. JENKINS:

9 Q Good morning.

10 A Good morning.

11 Q Thank you for coming. This is not your first
12 deposition, I take it?

13 A No, it's not.

14 Q Welcome to Little Rock, Arkansas.

15 A I know. There will be a few more, I'm pretty
16 sure.

17 Q Let me just refresh your recollection that she
18 is transcribing everything that you are saying, and so
19 you will need to speak clearly, slowly. If you -- a
20 nod of the head can't be transcribed, a guttural
21 "ummm" can't be transcribed. So, just if you will
22 speak up, that would be helpful for her.

23 A Sure.

24 Q I think you know everybody in the room.

25 A I do.

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1 Q I'm Sarah Howard Jenkins, and I represent this
2 lady. That was Janice Warren. And this is Debbye
3 Petre. All right?

4 A Sure.

5 THE WITNESS: Hi, Debbye.

6 COURT REPORTER: Hi. How are you?

7 BY MS. JENKINS:

8 Q Can you tell me where you were born? Where did
9 you grow up?

10 A Okay. So, I was born in Ottawa, Ontario.

11 Q Okay.

12 A And moved to Carlton County. And then, my folks
13 moved to Portland, Oregon. And from Portland, Oregon,
14 then I was actually bouncing a little bit to Victoria,
15 to Winnipeg, and to Toronto, and then to the states
16 again in Portland, just before high school.

17 Q Okay.

18 A And then I graduated from high school in West
19 Glenn, Oregon.

20 Q Oh, okay.

21 A And from there, I went to college in Portland at
22 Lewis and Clark, met my first wife there, went to
23 Portland State after a couple of jobs that were not as
24 enthusiastic as I would have liked. Got my Masters at
25 Portland State, took a job at Longview, Washington,

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1 commuted from Portland. Then -- oh, and I do think
2 there was like -- because my parents bounced around a
3 little bit, I think there was a home or a rental on
4 the coast, the Oregon coast.

5 Q That's a beautiful area.

6 A Yeah. I just remember the rain and -- being
7 younger. And then, from there, I continued working at
8 Longview. I then took a position as an alternative
9 high school principal in downtown Portland, and
10 sometimes teaching. Left that position, went back to
11 school. And in between that, too, I also lived in
12 Ferndale, Washington, and commuted to the University
13 of British Columbia. I started my doctoral work in
14 '94.

15 COURT REPORTER: I'm sorry?

16 MR. KEES: University of British
17 Columbia.

18 THE WITNESS: It's a nice campus. My
19 son is there right now. And that was in
20 Vancouver. I came back to Portland, and then
21 eventually ended up in Freeport, Illinois.

22 BY MS. JENKINS:

23 Q Okay. All right. Do you have siblings?

24 A I'm an only child.

25 Q Only child. All right. Let's just talk about
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1 the applying for the position at PCSSD.

2 A Sure.

3 Q All right. When did you submit your
4 application?

5 A So, I was working with Ray and Associates. I
6 had an arrangement from my current employer in
7 Waterloo, the Superintendent. I was looking for a
8 superintendency, but I was also promising her that I
9 wouldn't leave her in a lurch. There were two
10 Associate Superintendents. And my responsibility was
11 the educational side. But I worked closely with the
12 HR and Director of Equity, and we intertwined our
13 positions. So, if I leave at the last moment, it
14 would have been unfair to the children and been unfair
15 to my colleague, Doctor Beth Smith.

16 So, I think it was like in November, there was a
17 regional office position in Iowa City, my wife was a
18 principal in Iowa City, and I thought we wouldn't move
19 -- my daughter was really enjoying school. I had
20 applied for that, so I did the video interview for
21 that position, and I did well enough to be an
22 alternate. And then, I used that video interview for
23 the next two positions I applied to. One was in Ames,
24 Iowa, and then one was Pulaski County.

25 Q Okay. Do you recall on what day you applied for
0009

1 the position?

2 A I will be honest with you, I don't.

3 Q Okay.

4 (WHEREUPON, Plaintiff's Exhibit Numbers
5 One and Two were marked for identification.)

6 BY MS. JENKINS:

7 Q Take a look at Exhibit One.

8 A (Witness complies.) Okay.

9 Q And this is at page two.

10 A It looks like 3-6.

11 Q Would you read the heading of that document?

12 A "Application for Superintendent of Schools.
13 Closed. Pulaski County Special School District -
14 Deadline, March 12, 2018".

15 Q All right. And then, on the first line, is that
16 your name?

17 A Yeah.

18 Q All right. And then, the date, March 6th.

19 (WHEREUPON, there was a telephone
20 interruption.)

21 MS. JENKINS: Excuse me one second.

22 Okay.

23 BY MS. JENKINS:

24 Q So, do you recognize this application as yours?

25 A I will say that that looks like mine.

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1 Q Okay. All right. And the date is March 6th,
2 2018; is that correct?

3 A Correct.

4 Q And let's go over to -- just kind of leaf
5 through it.

6 A Sure.

7 Q Is that your employment experience, two pages
8 over?

9 A So far so good. Assistant Professor,
10 Superintendent, Principal, yeah.

11 Q Okay.

12 A The more relevant, yeah.

13 Q All right.

14 MR. KEES: What did you say, more
15 relevant?

16 THE WITNESS: Yeah, the most recent.

17 There are other positions that I didn't list.

18 BY MS. JENKINS:

19 Q All right. And just kind of thumb through. So,
20 this is your -- your name is at the top of the
21 following pages; is that correct?

22 A Yes.

23 Q Okay. All right. So, you are familiar with
24 this particular document?

25 A Yes. I'm sorry. It just seemed like a

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1 statement.

2 Q You have to answer for her. Thank you.

3 A That was an easy answer.

4 Q I appreciate that. Now, turn to Exhibit Two.
5 Do you recognize that document? It is from Kellie
6 Patterson.

7 A And she was with Ray and Associates. Yes.

8 Q And what is the date of that?

9 A March 8th.

10 Q All right. And that looks like an e-mail to
11 you?

12 A Probably. Yeah.

13 Q All right. Would you just read the heading on
14 that e-mail?

15 A "Pulaski County Special School District,
16 Superintendent Search".

17 Q The next line?

18 A "Invitation to Apply".

19 Q All right. Would you just read that document,
20 please?

21 A Sure. "The Pulaski County Special School
22 District located in Little Rock, Arkansas is seeking a
23 Superintendent. Pulaski County Special School
24 District (PCSSD) is one of four public school
25 districts in Pulaski County, Arkansas. The others are

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1 the Little Rock School District, the North Little Rock
2 School District and the Jacksonville-North Pulaski
3 School District."

4 Q Okay. Now, come down to the fourth paragraph.

5 A Okay. "We are very interested in your
6 application and look forward to receiving the
7 materials needed for this search. Our positions
8 require: a letter of interest, the formal
9 application, a current resume and at least four recent
10 letters of recommendation."

11 Q All right. And what is the date of that letter?

12 A March 12th is right. Yes, submitted on or
13 before March 12th.

14 Q All right. But go back to the date of the
15 e-mail.

16 A March 8th.

17 Q Okay. And turn over two pages, and come down to
18 the middle of the page where you see "Original
19 message".

20 A (Witness complies.) Okay.

21 Q And would you read the text underneath "Original
22 message"?

23 A "I did apply. Thanks."

24 Q Okay. And you sent that to whom?

25 A Ray and Associates.

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1 Q All right. To Kellie Patterson in response to
2 the invitation. So, did you know about the position
3 before you got the invitation to apply?

4 A I had seen the position. And as you said
5 before, I just asked them to use my Grantwood video.
6 That was the original position that I had applied to.

7 Q So, did you complete the application before you
8 got the invitation to apply?

9 A Yeah. There is just a general application at
10 Ray and Associates.

11 Q So, how did you go about completing the
12 application for PCSSD?

13 A I don't necessarily recall the process. But I
14 probably sat down and just added things into it.

15 Q Okay. So, you got the invitation, and then you
16 applied, or you applied before you got the invitation?

17 A Well, it says the 6th, and that e-mail says the
18 8th. But I think that the district had already posted
19 it.

20 Q All right. So, had you read about it?

21 A Yeah, I think I had read about it. And actually
22 one of the things that surprised me was that the
23 initial like flyer for it was wrong, they had still
24 left the Jacksonville students into it. So, it said
25 like 16,000 or 17,000, so I had noticed that. I think

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1 I looked at -- I was looking at districts at that time
2 that were diverse and that might fit my skill set.

3 Q Okay.

4 MR. KEES: Sarah, real quick. Are you
5 curious about this that I blacked out?

6 MS. JENKINS: You told me that that was
7 your e-mail address.

8 MR. KEES: Oh, okay.

9 MS. JENKINS: Yes.

10 MR. KEES: Just making sure. I knew you
11 had probably asked me that, because you are
12 so thorough. This is when he forwarded the
13 e-mail to me and said, "Hey, here is my
14 e-mail." So, this was what is redacted.

15 MS. JENKINS: You know, I think you told
16 me what was --

17 MR. KEES: Okay.

18 MS. JENKINS: You had gone through,
19 because that appears on a number of pages.

20 MR. KEES: Yes.

21 MS. JENKINS: And that is your way of
22 removing information that you deem to be
23 privileged.

24 MR. KEES: Yes. So, when I print the
25 e-mail -- so, Charles sent it to me, and he

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1 probably had some little note that said,
2 "Hey, here is my e-mail." And so, it had my
3 e-mail up at the top. And so, that was just
4 our communication.

5 MS. JENKINS: That's okay. Yes.

6 MR. KEES: Just making sure.

7 MS. JENKINS: Yes, you told me.

8 MR. KEES: You are thorough, and I want
9 to make sure you know what I was doing there.
10 So, that would be what that redaction was
11 about.

12 BY MS. JENKINS:

13 Q Now, Doctor McNulty, let's look at one other
14 part of this packet of your -- I copied so many pages

15 that I can't find the one I'm looking for. Give me
16 one second. Do you recall the date on which you wrote
17 your cover letter for your application?

18 A Hopefully you will have that. No, I don't.

19 Q Apparently, I left it out of the document set.

20 Okay. Let's take a look at the letter from Teresa
21 Hines. This is at the back of your application. Do
22 you recognize that document?

23 A Which document?

24 Q It should be at the very back -- about six pages
25 from the very back. You need to go the opposite

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1 direction, sir.

2 A Okay.

3 Q Would you read the heading on that?

4 A "Theresa Hines".

5 Q All right. And is this a letter that you
6 attached to your application?

7 A Yes.

8 Q All right. Notice the date of that letter.

9 A Uh-huh. (Indicated yes.)

10 Q And what is that date?

11 A 2017.

12 Q Excuse me?

13 A December 4th, 2017.

14 Q All right. And it's addressed to -- the
15 salutation is directed to whom?

16 A Pulaski County School District.

17 Q All right. The Pulaski County School District
18 did not hire Ray and Associates until December 12th of
19 2017. How did Ms. Hines know to address this letter
20 to Pulaski County Special School District?

21 A I probably asked her to address any letter to
22 any of the districts I applied to.

23 Q So, did you go back to her for every district
24 and simply ask her to issue a new --

25 A Yeah. But that was the foundation one, I think,

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1 that she had done. And I didn't even notice the date.
2 I would guess that that was a mistake on her part, and
3 I didn't notice it.

4 Q So, you didn't edit the letter, itself?

5 A I don't believe I did.

6 Q So, you requested from her a --

7 A A Letter of Recommendation.

8 Q Okay. Prior to March 6th of 2018, had you met
9 Doctor Linda Remele?

10 A No. I did make one phone call to her, I
11 remember, when we were coming down to -- and I asked
12 Ray and Associates if -- because our daughter was

13 going to go into ninth grade, if we could tour the
14 high schools.

15 Q All right.

16 A You know, I think that we were cautious about,
17 you know, what it would look like, and we were leaving
18 a great school district and a student -- a great
19 district that our child felt really great and had
20 great student friendships. So, I requested a tour.

21 Q And when did you make that call?

22 A Again, I don't know. It was probably in and
23 around the time I came down.

24 Q For the --

25 A For the interview.

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1 Q -- in-person interview?

2 A Yes.

3 Q So, would that have been before April 3rd?

4 A It would have to have been a day or so before
5 April 3rd. I can't guarantee that, but we did make
6 the call. And I was surprised that Ray and Associates
7 didn't just set it up for us, because they were my
8 only contact.

9 Q All right. So, you called Ray and Associates
10 and they called Doctor Remele?

11 A No. They recommended me call.

12 Q That you call her directly?

13 A Yes.

14 Q All right. And you think it was a day or two
15 before April 3rd?

16 A I wouldn't bet my house on it, but, yeah, I
17 think it was.

18 Q Would it have been before March 27th?

19 A Again, I don't know. I think it was much
20 closer, because my wife and I drove from Iowa City to
21 Little Rock.

22 Q Okay.

23 A So, it was a nine-hour drive. So, we wanted to
24 make sure that she would have an opportunity, again,
25 to take a look at the high schools for our daughter.

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1 Q So, your daughter came with you?

2 A No, no.

3 Q Oh, your wife?

4 A Because she was in school.

5 Q Okay. So, your wife toured the high schools, or
6 did the two --

7 A Yes. And just got a sense of how they felt.

8 Q Okay. Did you tour the high schools with her?

9 A No, no.

10 Q All right.

11 A This was during the interview.
12 Q Oh. So, while you interviewed, your wife toured
13 the high schools?
14 A Yes.
15 Q And who gave her that tour?
16 A An acquaintance, a friend of Doctor Remele. I
17 wouldn't remember her name. I can give it to Cody. I
18 can ask and give it to you.
19 Q Okay. That would be great.
20 A You bet.
21 Q Okay. So, prior to March 6th of 2018, you had
22 not met her?
23 A Oh, no.
24 Q Prior to March 6th of 2018, had you talked with
25 her?

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1 A No.
2 Q All right. Prior to March 6th of 2018, had you
3 communicated via e-mail with Doctor Remele?
4 A No, not that I believe so. I was only working
5 with Ray and Associates.
6 Q Prior to March 6th of 2018, did you have any
7 contact with anyone in Arkansas?
8 A No.
9 Q Okay.
10 A No.
11 Q Did you know anyone from Arkansas?
12 A No.
13 Q All right.
14 A I have never been to the south, with the
15 exception of Florida.
16 Q Oh, okay.
17 A And that was an in-service.
18 Q And Florida really isn't south.
19 A It is in the south.
20 Q They think they are southern.
21 A Well, you know, they were very nice, but it was
22 really hot. So, that was my only experience.
23 Q All right. Let me have you take a look -- we
24 will have to mark this. We will just call it Number
25 Three.

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1 A Sure. (Witness reviews document.)
2 COURT REPORTER: I think the packet goes
3 up to Four.
4 MS. JENKINS: I don't think there is a
5 Three in the packet.
6 MR. KEES: There is not.
7 MS. JENKINS: Okay. Let's mark this as
8 Three.

9 (WHEREUPON, Exhibit Number Three was
10 marked for identification.)

11 BY MS. JENKINS:

12 Q Now, you mentioned, Doctor McNulty, that you
13 were working with Ray and Associates and there were a
14 number of different pools. You were in the Ames pool?

15 A Yes.

16 Q The Grantwood pool?

17 A Yes.

18 Q Look on the first page of that. Does that
19 document look familiar to you at all?

20 A (Witness reviews document.)

21 Q What is the heading on that document?

22 A "Public Education: Providing Opportunities,
23 Pulaski County Special School District, Seeking a New
24 Superintendent".

25 Q All right. Does that look like the

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1 advertisement for this position?

2 A It certainly looks like the advertisement for
3 this position.

4 Q All right. Look at the "Seeking a
5 Superintendent who:" halfway through the page. Would
6 you just read through those?

7 A Sure. "Possesses excellent people skills,
8 presents a positive image of the district and will
9 listen to input and make decisions when necessary."
10 "Possesses the leadership skills required to respond
11 to the opportunities and challenges presented by an
12 ethnically and culturally diverse community."
13 "Inspires trust, has high levels of self-confidence
14 and optimism and models high standards of integrity
15 and personal performance." "Is a solid communicator
16 with strong speaking, listening and writing skills."
17 "Has experience recruiting and maintaining exceptional
18 staff for the district and its schools." "Is able to
19 delegate authority appropriately while maintaining
20 accountability." "Has knowledge of and successful
21 experience in sound fiscal practices and management of
22 district resources, including appropriate
23 participation of others in planning and
24 decision-making." "Is strongly committed to a
25 'student first' philosophy in all decisions."

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1 "Possesses the ability to enhance student performance,
2 especially in identifying and closing or narrowing the
3 achievement gap." "Promotes a positive and
4 professional environment for district employees and
5 the PCSSD Board of Education."

6 Q Are those requirements substantially similar to

7 the qualifications and requirements that were listed
8 by Ames?

9 A Yeah. Ames actually, you know, and there is a
10 number of cities in Iowa who are diversifying, and
11 they didn't expect that kind of diversification. And
12 Ames was interested in someone who had experience in
13 closing the achievement gap.

14 Q Are those qualities substantially similar to the
15 qualities of the Grantwood?

16 A Grant was a little different. Grantwood was,
17 again, it was more of like an -- in Iowa, they have
18 the regional supports. I think we do, too, where it
19 might be Special Services, Special Education. And
20 that job I had applied to really in an effort to stay.
21 And I was willing to stay in Waterloo, I wasn't being
22 chased out. They are good people.

23 Q All right. But the qualities it listed, these
24 are -- were substantially similar to the Ames?

25 A I can't recall.

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1 Q You can't recall that?

2 A No. But I do remember the conversations that I
3 had with the Ray and Associates person who was kind of
4 leading the charge on the search there, and the Board
5 was concerned about some of the inequities that were
6 happening, especially affecting minority students and
7 Latino students that were moving in -- that were in
8 the community.

9 Q All right. So, these qualities that are listed
10 are not -- they are more sort of a generic that you
11 might see in the Ames, for example, but you didn't see
12 in the Grantwood qualifications?

13 A Yeah. Again, I don't recall. I mean, Grantwood
14 is working with, again, historically some
15 disenfranchised students, especially students with
16 IEPs. We have not done a good job historically with
17 our IEP students.

18 Q All right. After March 6th and before April
19 3rd, other than your call to Doctor Remele about
20 touring the high schools, did you have any contact
21 with her by telephone?

22 A No. And it was only my wife touring the high
23 schools, not me.

24 Q Okay. After March 6th, 2018 and before April
25 3rd, 2018, did you have any contact with Doctor Roy

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1 Brooks?

2 A Was that -- I think it was with Ms. Davis.

3 MR. KEES: Yes, whatever you remember.

4 THE WITNESS: I know. It was a

5 gentleman who was out of Atlanta. I don't
6 know if -- he was an African-American
7 gentleman. And he was kind of my contact
8 when I got there. I don't recall a Roy
9 Brooks.

10 BY MS. JENKINS:

11 Q Okay.

12 A Maybe I did, maybe I didn't. But my contact was
13 a gentleman who, when I got here, he kind of sent me
14 towards the interview process.

15 Q Okay. Did you visit with him before the
16 interview?

17 A No. You know, and I will be honest with you, it
18 was kind of a rough two or three days for me. I had
19 never had vertigo before. And the minute I stepped
20 into Arkansas, I had vertigo. And I had never had it,
21 and it's awful. And I was -- I was a little unsure
22 how I was going to do. So, I actually stayed in bed
23 for a while because I couldn't move.

24 Q Dizzy. Okay.

25 MR. KEES: Just so we are clear. You
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1 had asked him about Roy Brooks, and you are
2 referring to?

3 THE WITNESS: Another gentleman.

4 MS. JENKINS: All right.

5 MR. KEES: Who you described as
6 African-American?

7 THE WITNESS: Yeah. And he had long --
8 he was a Superintendent.

9 MR. KEES: Okay.

10 BY MS. JENKINS:

11 Q Was he the person who was conducting the search
12 in this area?

13 A It felt that way.

14 Q Okay.

15 A You know, we drove down, and I felt obligated to
16 do it because I was working with Ray and Associates
17 and I had applied for the position. But my target job
18 was Ames, because it was going to stay in Iowa and it
19 was a better opportunity for my wife.

20 Q Okay. All right. The Board minutes for April
21 3rd, 2018 indicate that your interview began at 10:11
22 a.m. and ended at 12:10 p.m. Is that correct?

23 A It was a long time.

24 Q Okay. You don't remember exactly?

25 A But I can tell you what I do remember, which I

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1 thought was unique was, I had the presentation,
2 because I was really good at setting systems up around

3 school improvement plans, and, you know, part of the
4 Ross Plan and part of the work that Doctor Warren had
5 was establishing Plan 2000 and school improvement
6 plans. And in Waterloo, I had made all of those plans
7 digitally live so we could interact on a daily basis.
8 And so, I asked if I could bring my computer, and that
9 caused some stress with some of the folks. And I was
10 just kind of surprised about that.

11 Q Okay. All right. Anything else surprise you
12 about the interview with the Board?

13 A No. That was kind of it. I mean, you know, I
14 think you are always anticipating a range of
15 questions, and I tried to speak honestly. I really
16 feel like -- and I kind of learned it the hard way,
17 you know, you just tell people who you are and what
18 you are going to do. And if they don't like you,
19 that's just fine.

20 Q Okay. Were all the members of the Board in
21 attendance?

22 A Yes.

23 Q All right. During your interview on April 3rd,
24 you mentioned to the Board experience regarding
25 desegregation. What was the experience that you

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1 shared?

2 A Yeah. Freeport had a Memorandum of
3 Understanding to avoid the desegregation cases that
4 Rockford had had and the lawsuits there. But it was a
5 real tight Memorandum of Understanding, and the Office
6 of Civil Rights was very much involved in that.

7 Q Okay.

8 A And my first job in Freeport was actually
9 working with the OCR to serve as Pupil Personnel
10 Service Director, and I worked hand in hand with the
11 federal OCR to mitigate some of the claims against us
12 and move forward.

13 Q Okay. All right. So, that was the scope of
14 your experience with desegregation?

15 A Yeah.

16 Q All right. After your interview, did you and
17 your wife return to your hotel to pack your things?

18 A Yeah. I was, again, struggling a little bit
19 with the vertigo. I think she packed most of it.

20 Q Okay. All right.

21 A From what I remember.

22 Q Did you have lunch before you left?

23 A I don't recall.

24 Q You don't recall? All right.

25 A I know we got on the road quite fast, because it

0029

1 was a nine-hour drive.
2 Q Okay.
3 A And I did not drive, by the way.
4 Q Oh, you didn't drive?
5 A I mean, she drove. I was still struggling.
6 Q With the vertigo. All right. So, you didn't
7 have lunch before you --
8 A I don't recall.
9 Q You don't recall?
10 A No.
11 Q After the interview, you did go back to the
12 hotel, you packed your things -- or your wife packed
13 everything up?
14 A Most of it, yeah. I mean, I have some issues of
15 control as an individual, as an only child, so I would
16 have done a few things.
17 Q All right. And you mentioned it's a nine-hour
18 drive. Do you remember what route you took?
19 A We went north and followed the Google Maps. And
20 at one point in time, I was really good at directions,
21 but I'm not now, because of Google Maps.
22 Q Okay. All right. On June 4th, 2019, you
23 testified in an action, Jennifer Beasley versus
24 Charles McNulty. Do you remember that?
25 A Yeah.
0030
1 Q All right. And you testified that you received
2 an offer from Doctor Remele shortly after your
3 interview.
4 A Yeah.
5 Q Do you recall that call?
6 A I do recall, because I was in the passenger
7 seat, I was asleep.
8 Q All right. So, you woke up?
9 A I woke up and my wife said, "Someone is calling
10 for you."
11 Q Okay. Do you recall where you were? Had you
12 reached Memphis?
13 A Oh, gosh, I don't know.
14 Q You have no idea of where you were?
15 A I think we were in some wooded areas we were
16 driving through on the freeway.
17 Q All right. But you are not sure whether you had
18 gotten to Memphis?
19 A No, I don't know. We drove through. We didn't
20 stop anywhere.
21 Q You didn't stop en route at all?
22 A Just to probably gas.
23 Q Okay.
24 A But we were driving in woods, it was definitely

25 in a wooded area.

0031

1 Q A wooded area?

2 A Yeah, freeway.

3 Q Okay. All right. But you don't recall whether
4 you had reached Memphis, you don't recall if you had
5 reached St. Louis?

6 A Oh, I'm sure we didn't reach St. Louis.

7 Q Okay.

8 A I think I would have remembered that.

9 Q Why would you remember?

10 A It's a big city.

11 Q All right.

12 A And I was in the woods.

13 Q All right. So, you were between Little Rock and
14 in a wooded area before getting to St. Louis?

15 A I would guess so.

16 Q All right. But are you certain that you hadn't
17 crossed the Missouri line into Iowa?

18 A No, I don't think we had made it to Iowa,
19 huh-uh. I would have felt better.

20 Q Okay. All right. So, this was sometime after
21 you left and before you reached St. Louis?

22 A Yeah. I would not state my life on it, but it
23 feels right.

24 Q Okay. Let's take a look at that testimony.

25 MS. JENKINS: We will call this one Four

0032

1 and then change all the other.

2 MR. KEES: You have a Four.

3 MS. JENKINS: I know.

4 (WHEREUPON, a discussion was held off
5 the record.)

6 (WHEREUPON, Exhibit Number Five was
7 marked for identification.)

8 BY MS. JENKINS:

9 Q Do you want to take a look at that?

10 A Sure. (Witness reviews document.)

11 Q Halfway towards the bottom of the page, would
12 you read what is stated there? This is the deposition
13 of?

14 A Oh, "Doctor Charles McNulty, in his official
15 capacity as Superintendent of Schools of the Pulaski
16 County Special School District; Pulaski County Special
17 School District Board of Directors; and Pulaski County
18 Special School District, a Public Body Corporate."

19 Q And then, what is at the bottom half?

20 A Deposition of Charles McNulty, June 4th, 2019.

21 Q All right. So, do you recall this event?

22 A I was there.

23 Q Okay. All right. Let's turn over to at the top
24 of page 11.

25 A Sure.

0033

1 Q And apparently you were asked something. The
2 line one says, "hired?"

3 A Uh-huh. (Indicated yes.)

4 Q And then, you have an answer. Would you read
5 your answer?

6 A "Actually, it was -- they asked if I was
7 interested in the position as we were driving home
8 that day."

9 Q Okay. And then, the question that followed?

10 A "So, interviewed and were offered the position
11 the same day?" "Yes, sir." MR. KEES: "Where is
12 Waterloo?" THE WITNESS: "It's nine hours north."
13 "That's a long drive." "It was a long drive."

14 Q Okay. All right. Come down to line 18, and
15 would you read?

16 A "Mr. Walker."

17 Q Yes. Read the question and answer that
18 followed.

19 A "So, the day of your interview, you were hired?"
20 "I was offered the position, correct." "On behalf of
21 the Board, who extended the offer?" "Doctor Remele."
22 "Did she do so in writing or by phone?" "By phone."
23 "What time of day was it?" "3:00 or 4:00 o'clock."

24 Q Okay. Is that your -- continue reading on.

25 A "What time did you end your interview?" "I feel

0034

1 like it was like noon or 1:00. I may be wrong about
2 that. But I felt like we just got right into the car
3 and started driving."

4 Q Okay. Is there any reason that you, today,
5 think that what you stated in this deposition
6 testimony was incorrect?

7 A It's what I said at the time, so I believe it
8 was correct.

9 Q All right. Thank you.

10 A You are welcome.

11 Q All right. Let's talk a little bit about your
12 contract with PCSSD. Can you tell me when the
13 contract was effective?

14 A It was effective July 1st, I think, 2018.

15 Q All right. And what was your annual rate of
16 salary?

17 A \$205,000.00 plus a \$10,000.00 annuity.

18 Q Is that an annual annuity?

19 A Yeah.

20 Q So that every year --

21 A I would get \$10,000.00.

22 Q \$10,000.00 as an annuity. All right. Did the
23 contract provide for annual increases in salary?

24 A It said it did. That hasn't happened. I just
25 dropped the \$10,000.00 annuity into my salary, took

0035

1 advantage of the Arkansas Retirement System. But, no.
2 And then, I actually had a couple of conversations,
3 just to be up front, with the Board. The first
4 contract, I wasn't -- you know, it wasn't acceptable
5 to me.

6 Q All right. And what was unacceptable about it?

7 A It was only a three-month protection of salary.
8 The Board, as you know, and Superintendents, they do
9 that, sometimes let you go. And if we were -- you
10 know, and we prayed about that we were going to take a
11 risk coming here, and that three months was not much
12 of a guarantee.

13 Q Okay. All right. But the contract -- does the
14 contract state that you are entitled to annual
15 increases based on the sum of the increase in base
16 salary schedule of any employee in the district plus
17 the step for your experience? Do you recall?

18 A Well, I don't have the contract in front of me.
19 And as you say that, I probably should re-read it
20 again.

21 Q Okay.

22 A Because I have not taken a raise or step.

23 Q Okay. All right. So, you didn't get a raise in
24 2019?

25 A With the 1.5, I did not take it.

0036

1 Q With the 1.5?

2 A Percent. I mean, we had a 1.5 this last year
3 increase across the board.

4 Q And so, you did not take the 1.5?

5 A I did not take the 1.5.

6 Q Okay. Does the agreement provide a sum of money
7 for membership fees, incidental expenses for
8 participating in community and civic organizations?

9 A I don't have my contract in front of me. I
10 would say this, I hope it does.

11 Q Oh, okay.

12 A That would be a better contract than one that
13 said "no".

14 Q Have you joined any community organizations?

15 A I participate in the Chamber.

16 Q Okay. How many vacation days do you have as
17 Superintendent?

18 A Again, I'm going to be honest, I don't pay much

19 attention, because I don't seem like I have had a
20 vacation in a very long time.

21 Q All right.

22 A And I can be honest with that. I haven't seen a
23 break since we went into the pandemic. And I think we
24 are all in that. And I want to just say, I so
25 appreciate Doctor Warren and her team, because we are

0037

1 all working really hard.

2 Q All right. Do you recall the allowance that you
3 had for moving expenses?

4 A I did get one. I want to say -- I have had a
5 couple. I can't accurately state that, but I did get
6 one.

7 Q Okay.

8 A And it did cover my moving expenses.

9 Q All right. And what retirement benefits are you
10 receiving?

11 A Just the Arkansas. I mean, I've got -- as you
12 know, on my resume, I have been around. So, I've got
13 a couple of different retirement systems. But right
14 now, just the Arkansas.

15 Q Just the Arkansas. Did the Board approve any
16 other benefits for you?

17 A Well, I get a car allowance to drive. It's not
18 a car, but it's an allowance for miles.

19 Q That mileage?

20 A Yes.

21 Q Anything else?

22 A I apologize. I don't recall that.

23 Q Okay. Do you have any supplemental or separate
24 agreements as an incentive payment plan with the
25 Board?

0038

1 A Not that I explicitly live day in and day out
2 thinking, "If I do this, I'm going to get that." I
3 don't recall that.

4 Q All right. Did you get a bonus in -- at the end
5 of 2019?

6 A No.

7 Q No bonus?

8 A All I did was drop my -- again, that separate
9 into my salary so I would be more in the Arkansas
10 Retirement System.

11 Q So, rather than getting an annuity -- annual
12 annuity, your salary is really \$215,000.00?

13 A Now it's increased to that, yeah, after one
14 year.

15 Q What do you mean, increased to \$215,000.00?

16 A Because it was \$205,000.00.

17 Q \$205,000.00?
18 A With the \$10,000.00 annuity.
19 Q With the \$10,000.00 annuity?
20 A That was annual.
21 Q Which was in 2018?
22 A '18-'19.
23 Q '18-'19. And then, in '19-'20 -- school year of
24 2019-2020, you, rather, took \$215,000.00?
25 A But no annuity.

0039

1 Q But no annuity?
2 A Right. And that happened after we did the
3 employee increases.
4 Q Of the 1.5?
5 A Of the 1.5, yeah.
6 Q Okay. All right. But you don't recall having
7 any supplemental or separate agreements?
8 A No.
9 Q You close the gap by five percent, you get "X"
10 amount?
11 A I don't recall that. If it's there, that would
12 be great. But I don't know.
13 Q I'm just asking.
14 A I know. And I'm just telling you, that's not --
15 unfortunately, that's not on my mind.
16 Q Did the Board provide you with an evaluation in
17 June of 2019?
18 A I have had -- I have had an evaluation, yeah.
19 Q Just one?
20 A I think I have had two evaluations.
21 Q All right. Were those written evaluations?
22 A Yes.
23 Q Okay.

24 MS. JENKINS: Can we get a copy of
25 those?

0040

1 MR. KEES: Yes. Will you send me a
2 followup e-mail, because there were some
3 things you wanted last week, too.
4 MS. JENKINS: Yes. I thought I would
5 wait until after today.
6 MR. KEES: You owe me a couple of
7 e-mails, because I e-mailed you yesterday.
8 MS. JENKINS: The last one I saw, I
9 think, was like Thursday or Friday and you
10 were headed out of town.
11 MR. KEES: I e-mailed you early
12 yesterday morning.
13 MS. JENKINS: You did?
14 MR. KEES: And I apologize for e-mailing

15 on a Sunday. But I was coming in to get some
16 work done for something you needed.

17 MS. JENKINS: I apologize.

18 MR. KEES: That's fine.

19 MS. JENKINS: There are some days I
20 don't read my e-mails.

21 MR. KEES: And I figured yesterday was
22 maybe one of them. I was not supposed to be
23 working.

24 (WHEREUPON, a discussion was held off
25 the record.)

0041

1 BY MS. JENKINS:

2 Q So, you didn't receive a salary increase and no
3 bonuses at the end of your 2018-2019 year?

4 A No.

5 Q Did you get a bonus at the end of 2019-2020?

6 A No.

7 Q No?

8 A No.

9 Q Okay. No salary increases?

10 A Yeah, just dropping the \$10,000.00 into it.

11 Q All right. Any increase in vacation days or
12 personal days?

13 A No.

14 Q Okay. That's pretty much stable once set?

15 A Yeah. I mean, we did actually pass a Board
16 policy for our leadership because of COVID-19, that
17 people just haven't been able to get away, so they can
18 now carry over. I plan to carry over what I didn't
19 use.

20 Q So, you lose your vacation at the end of --

21 A There is only so much you can carry over. And
22 that was a Board action before I got there through the
23 PPC.

24 Q So, there is an increase in carry-over?

25 A Just for a year, during the pandemic.

0042

1 Q Okay.

2 A And, you know, I think we will revisit it every
3 year, because it has been a unique situation for
4 people.

5 Q Okay.

6 (WHEREUPON, Exhibit Number Four was
7 marked for identification.)

8 BY MS. JENKINS:

9 Q All right. Let's take a look at -- it's labeled
10 Exhibit Four in your packet.

11 A Okay. (Witness reviews document.)

12 Q Would you read the heading on that, please?

13 A "Pulaski County Special School District,
14 Superintendent Search Constituent/Employee Meetings,
15 January 29-30, 2018".

16 Q All right. Have you seen this document before?

17 A Probably. I don't recall, but probably.

18 Q Okay. And then, what is the heading?

19 A "Top Ten Themes".

20 Q All right. Let's walk through these Top Ten
21 Themes that were generated from the constituent and
22 employee meetings. Would you read the first one,
23 please?

24 A Sure. Of prime importance to all groups was the
25 effect of the district's desegregation order and the

0043

1 district's efforts to become unitary, becoming a
2 district that views the future with new optimism."

3 Q All right. In January of 2018, that was one of
4 the Top Ten Themes from those meetings. When you
5 commenced your employment as Superintendent, was that
6 still a concern?

7 A Like my first day, two, three?

8 Q Just had this concern evaporated between January
9 30th -- 29, 30th of 2018 and July 1st of 2018? Was it
10 still a concern, the effect of the district's
11 desegregation order?

12 A You know, I'm not really one to answer that,
13 because I really hadn't -- I mean, I had just a
14 peripheral understanding of what was going on, because
15 this was before I was employed.

16 Q Okay. Is it a concern today?

17 A It's always a concern.

18 Q It's always a concern?

19 A In any district.

20 Q Okay. Who is handling this particular issue,
21 the desegregation order?

22 A Well, Doctor Warren certainly leads the way.
23 I'm responsible for that, and so is the rest of the
24 Cabinet. So, we really have a team working on it.

25 Q Okay.

0044

1 A And the team works very, very hard in making
2 sure that the focus of the Ross Plan, which is a
3 systemic focus, is at the forefront of what we do, and
4 Plan 2000 is the forefront of the principals and the
5 coaches and the teachers.

6 Q All right. So, this remains a --

7 A Strong importance.

8 Q -- strong importance, it's a major theme of
9 getting the work done?

10 A Yeah.

11 Q All right. Let's look at two.

12 A "People are looking for the new superintendent
13 to be visible, personal and approachable, someone who
14 is out of the administration building trust and
15 rapport across the district."

16 Q All right. That was a major concern January
17 2018. Was it a concern when you commenced your
18 employment?

19 A Every position I have had in a leadership
20 position, that is always one of the concerns that is
21 out there, every culture, especially when there is a
22 feeling of distance between the Superintendent or the
23 Central Office folks and people in the buildings.

24 Q All right. So, how are you addressing that
25 particular concern?

0045

1 A I'm out of the buildings all the time.

2 Q Anyone else in your Cabinet?

3 A Doctor Smith is out all of the time, Doctor
4 Warren is out all of the time.

5 Q So, is it that you are encouraging your Cabinet
6 to be out?

7 A The center of change isn't -- and this is, I
8 think, something that many superintendents struggle
9 with -- isn't the Superintendent. The center of
10 change are the schools.

11 Q Okay.

12 A And that's why AVID and PBIS are in all 25
13 schools.

14 Q You are going to have to repeat that for her.

15 A Oh, I'm sorry. That's why AVID and PBIS are in
16 all 25 schools.

17 (WHEREUPON, a discussion was held off
18 the record.)

19 BY MS. JENKINS:

20 Q You mentioned AVID. Who is handling the
21 implementation of AVID?

22 A I brought AVID into the district with the
23 directive that it would be in all 25 schools, and I
24 looked at Doctor Warren to lead that implementation
25 with the support of Ms. Smith, who is the Deputy

0046

1 Superintendent who does Educational Services.

2 Q So, you brought AVID. What was your first
3 exposure, or when was your first exposure to AVID?

4 A When I was in Freeport, Illinois.

5 Q Okay. Did you use AVID at Waterloo?

6 A I was not able to bring AVID in due to
7 differences between the top leadership and myself.

8 Q Okay. All right. And so, is the Deputy

9 Superintendent, Ms. Smith, is she --

10 A Yes, she is.

11 Q What is the nature of that Superintendency, that
12 Deputy Superintendency?

13 A Well, she is driving many of the performance
14 outcomes that are so designed in Plan 2000, especially
15 the gap, and then achievement, but she is also
16 restructuring some of our core curriculum where there
17 were some holes. Every district has holes.

18 Q What do you mean "she is driving"?

19 A That we are utilizing what I would say is a
20 distributive leadership in School Improvement Plans.

21 Q Go back a little bit slower.

22 A We're utilizing distributive leadership in
23 School Improvement Plans as a foundation piece for
24 change.

25 Q All right. What do you mean by "distributive

0047

1 leadership"?

2 A That means that some people believe that the
3 only way to do things is the top down directive. I
4 don't believe that. I believe you have to establish a
5 culture of expectations where people closest to the
6 problem solve the problem. And important data around
7 student performance is that dialogue point and
8 discussion point between leadership in the building,
9 leadership in the classroom, and most importantly our
10 students who have to own their performance outcomes
11 and be supported.

12 Q And so, what is Ms. Smith doing to facilitate
13 the student, the teacher, and the principal in
14 engaging?

15 A We have an integrated professional development.
16 We don't do sit and get traditionally PDs with our
17 principals, our coaches, and assistant coaches,
18 assistant principals. We talk about problems within
19 the School Improvement Plan, we focus in on clear and
20 concise curriculum changes.

21 Q All right. So, what is Ms. Smith's role in
22 that?

23 A She is taking leadership in that, and I support
24 her, and so does Doctor Warren.

25 Q How is she taking leadership?

0048

1 A Well, she is engaging the building, she is
2 reviewing -- she actually did weekly reviews of the
3 data and the School Improvement Plan, and would sit
4 down with each school and we would have a strong
5 conversation about, where is the instructional
6 program, where are the gaps, where are the successes,

7 and what is the 30-day plan to mitigate that.

8 Q Okay.

9 A So, that's being heavily integrated in the
10 School Improvement Plan. The School Improvement Plan
11 is critical because it's a digital plan that
12 interfaces. And so, we can have conversations around
13 artifacts that are live. In other words, they were
14 just put in after an action plan was resolved. We ask
15 the questions, "Did we get the results we needed?"
16 And that flips back into the Professional Learning
17 Community, they look at the data, we unpack why
18 certain things don't happen. Another huge piece is
19 really addressing the implicit biases inherent in the
20 system. We have --

21 Q So, what is her role in identifying those?

22 A Okay. And that is -- part of the role is
23 bringing a writing approach. And if you look at the
24 90/90/90 research out of Doug Reeves, its key to deal
25 with implicit bias is through the work itself. And

0049

1 so, what you are going to need to do is, you're going
2 to have to have writing, which is a great depth of
3 knowledge two and three, in other words, it is
4 thinking, it is voice.

5 Q So, explain how you deal with implicit bias on
6 the part of a teacher with writing.

7 A So, here is what goes. So, we have a writing
8 sample, and this is an example, and then you have your
9 team, PLCs, and then we will take that writing sample
10 and then they will grade it on a rubric. And what you
11 will find is sometimes differences in outcomes based
12 upon who is evaluating. And you ask some heavy
13 questions about, "I don't see a difference in the
14 student performance outcome, but I see a difference in
15 the score." And then, you have the conversation as to
16 why.

17 Q So, what is Ms. Smith's role in facilitating the
18 teachers' recognition that there is some bias in the
19 grading of a written product?

20 A It's not only the conversation with the building
21 leadership that is important, it's the coaches. The
22 instructional coaches work daily with the teachers,
23 and who are on the PLCs.

24 Q What is a PLC?

25 A Professional Learning Community.

0050

1 Q Okay.

2 A Yeah. And we have really put a strong effort
3 into that. So, her role is the strong leadership.
4 And with leadership, of course, comes the monitoring,

5 an accountability system that this district has done
6 for many, many years.

7 Q All right. So, she is focusing on restructuring
8 the building and classroom and student recognition of
9 their own biases?

10 A And then, I think what you also have in students
11 is, we, unfortunately, in education, have put forth a
12 deficit thinking model.

13 Q Say that again.

14 A Deficit thinking model. Research out of
15 Valencia, he is a great read. His name is R.R.
16 Valencia.

17 MR. KEES: You will have to spell that.

18 THE WITNESS: Wow. V-A-L-E-N-C-I-A. I
19 really hope that's right. And,
20 unfortunately, in education, we have taken
21 the medical model. We see sometimes students
22 as broken, or families as broken, and that's
23 not the case. It's the system that sometimes
24 becomes uncaring and biased. And we have to
25 unpack that system and change the outcomes

0051

1 for children.

2 BY MS. JENKINS:

3 Q Okay. Now, how does -- so, you've got Ms.
4 Smith, who is dealing with recognition of where the
5 district is in terms of --

6 A We are always dealing -- everybody is dealing
7 with recognition of who the district is.

8 Q I mean, from what you have described, it's,
9 we've got Teacher "A", or Building "A", and that
10 building is at "X" point, and the goal is to bring
11 that building to "Y", and "Y" is an environment that
12 is productive, not only for the teacher, not only for
13 the leadership, but also for the students; is that
14 correct?

15 A Correct.

16 Q All right.

17 A But it can't happen in isolation. And the
18 isolation is that intersection of support and
19 feedback, but not just from the district office.
20 Although I will say, because we are in the schools, we
21 have a nice relationship with a lot of our buildings.
22 But it's also from the feeders. And so, before I got
23 there, we had feeder patterns with Mills, feeder
24 pattern. We have now asked every feeder pattern to
25 have those, what I would say, data analysis

0052

1 opportunities, looking at what we are doing, how we
2 are doing it, looking at what the data says, and

3 providing feedback of what could be done differently
4 instructionally or through assessment that supports
5 our children.

6 Q Okay. So, you've got that approach, coupled
7 with the introduction of AVID, kindergarten through
8 12th grade; is that correct?

9 A I think we haven't hit 12th grade yet, because
10 the high school is kind of a stepping process. And I
11 think that was a great approach. I tend to be a
12 little bit more all in, because I just feel that we
13 don't have time, sometimes. But I think there was
14 wisdom in a stepped approach. Because in three years
15 we are going to be able to affect the entire system
16 with the elective courses in the secondary, but also
17 school-wide.

18 Q All right. How do those two complement one
19 another?

20 A Both systems approach.

21 Q Okay.

22 A Hand in hand, go hand in hand.

23 Q How is the teacher able to make adjustments
24 internally with Doctor Smith's approach, that issue of
25 looking at where I am, what is impacting what I do,

0053

1 and the decisions that I make, and the grading that I
2 make? How is that teacher able to adjust, not only
3 with internal, but AVID is an external?

4 A AVID isn't external.

5 Q It is not an external?

6 A No. It should be engaged in every classroom,
7 through the WICOR Strategies.

8 Q Say again?

9 A Through the WICOR Strategies, W-I-C-O-R.

10 Q I'm not familiar with that.

11 A And that is -- I think Doctor Warren is doing a
12 nice job of working with the grade levels where WICOR
13 is writing focus, inquiry, collaboration,
14 organization, they have a binder that helps students
15 organize with foundation on the Cornell notes. And
16 then, the WICOR -- then the reading. And reading is a
17 huge piece of what we are doing.

18 Q All right. So, the teacher is dealing with her
19 internal environment and making internal, "internal"
20 meaning self, and making modifications in how she
21 instructs?

22 A And I think what I would say is, I don't see
23 unit of change as the teacher or the particular
24 principal. The unit of change is the Professional
25 Learning Community in the school. A strong PLC,

0054

1 Professional Learning Community, does engage in some
2 great conversations about clear and concise
3 instructional targets, formative assessments to give
4 feedback during the class, "Are my students
5 understanding what I want," and then, as a team,
6 common formative assessments that run across the
7 school and in the district that helps us understand
8 why my teaching has accelerated my students beyond
9 what is expected, or why my teaching is not. And
10 there is the opportunity for the coach to get in. We
11 do also the walk-throughs with our assistant
12 principals. And it's live data, so I can, at any
13 time, look at any school and see how many
14 walk-throughs are being done by administration. And
15 the walk-throughs are focused on AVID, PBIS, and
16 90/90/90 research. And then, Ms. Smith is also doing
17 a lot of small group instruction which supports kind
18 of a level of learning.

19 Q Now, that small group instruction, who is she
20 instructing?

21 A No. Small group is teachers, and we have
22 centers. And the benefit of a center is, you can
23 actually have -- you know, I might start off my class
24 and I might give a direction of, "Here is what we are
25 going to work on today." But then, in my centers is

0055
1 going to be break-out groups for small groups of
2 students to do problem-based learning, to quiz each
3 other back and forth, and then bring them back
4 altogether. And then, you would also have what's
5 called formative assessments, like exit tickets, or --
6 you know, one of the best ways of doing it in
7 mathematics, for example, in teaching algebra, is the
8 white board. I mean, I know we are one-to-one
9 computers, and it's a wonderful thing, but it has got
10 to be a balance.

11 Q Okay. All right. Let's look at number three.

12 A Okay.

13 Q Would you read that?

14 A Yeah. "The new superintendent should be an
15 experienced educator who has come up through the ranks
16 and is focused on student performance, including
17 dealing with achievement gaps."

18 Q All right. And this was a concern in January
19 2018. Does it remain a concern?

20 A Oh, yeah.

21 Q All right. Let's look at four.

22 A "The district is comprised of four different
23 communities each with a varying set of needs. The new
24 superintendent will need to quickly recognize how the

25 district functions in order to assess what is working
0056

1 well and what is not. A listening tour is highly
2 recommended in all feeder patterns."

3 Q All right. That was a concern in January of
4 2018. Was it a concern when you began?

5 A When I began?

6 Q Yes.

7 A Yeah.

8 Q All right. And does it remain a concern?

9 A I would say that AVID and PBIS actually are
10 creating some foundations and practices, and the fact
11 that we do professional learning for all our
12 principals, our coaches, and our assistant principals,
13 and it's the same learning, that that concern, I
14 think, has been mitigated --

15 Q Okay.

16 A -- to a large degree.

17 Q All right. And who was responsible for
18 mitigating that?

19 A A team.

20 Q And who was that team?

21 A It would be Cabinet, it would be Principals,
22 Assistant Principals.

23 Q Okay.

24 A Coaches.

25 Q All right. Number five.

0057

1 A "PCSSD is very diverse in terms of
2 socioeconomics and majority/minority status. The
3 desegregation order puts pressure on the district that
4 causes an effort to achieve a potentially false
5 balance in terms of student discipline."

6 Q All right. Was that a concern when you began?

7 A It was, certainly. But I will say that if you
8 look at the trend, Doctor Whitfield has been leading a
9 lot of the charge, with Doctor Warren, and has made
10 really good gains on that. And I think the district
11 is certainly really moving in the right direction.
12 From all accounts, the first semester was the least
13 discipline we have had in many years. And then, we
14 had the pandemic, which, of course, made discipline
15 almost go away, but that's not fair.

16 Q All right. Let's go to number six.

17 A "Someone is needed who understands how to market
18 the schools by changing the perception that the
19 district is failing. It is not. The district under
20 new leadership needs to make PCSSD a desirable or
21 'destination' district for newcomers as well as
22 attracting those that departed."

23 Q Is that directed -- this idea of how to market
24 the school, a desirable -- and the reference to
25 desirable or destination district, is that a reference
0058

1 to School Choice?

2 A Probably. But I think it's also perception.

3 Q Okay. So, this is a concern about perception
4 and how that perception impacts student choice?

5 A And the quality of people who want to come to
6 our district.

7 Q All right. And who is handling School Choice?

8 A Well, Doctor Warren's office takes in the School
9 Choice, but that's not -- that's not -- whether we
10 have more kids or not, it's not a responsibility to
11 her, it's a responsibility to the team. The better
12 our schools go -- and, you know, in our first year we
13 had three schools increase their letter grades, and
14 that had an impact on the perception of the district.
15 And the one school that we didn't, we decided to
16 remove the principal because we didn't believe in the
17 direction the school was going.

18 Q All right. But you mentioned Doctor Warren is
19 handling the --

20 A The input/output of --

21 Q Okay.

22 A Yeah.

23 Q -- of School Choice?

24 A The data.

25 Q All right. Let's see. We have been at this for
0059

1 an hour. Let's just take a short break so you can
2 stretch your legs, and we will come back and finish
3 this up. All right?

4 A All right. I'm actually pretty good except for
5 a little sore back. But that's all right.

6 (WHEREUPON, a break was taken.)

7 MS. JENKINS: Back on the record.

8 BY MS. JENKINS:

9 Q Let's return to those Top Ten Themes.

10 A Sure.

11 Q And I think we were ready to look at number
12 seven.

13 A That would be great.

14 Q Okay.

15 A "The new superintendent will need to have
16 successful experience in sound fiscal management with
17 an understanding of equitable application of resources
18 to meet student learning needs wherever they attend.
19 Teacher raises are going to be a continuing issue that
20 affects staff morale."

21 Q All right. That was a concern in January of
22 2018. Was it a concern when you arrived?

23 A Yes.

24 Q Is it a concern today?

25 A We are making much better progress now.

0060

1 Q Okay.

2 A I walked in with a \$13.8 million Facilities
3 deficit and an anticipated \$5 million deficit for the
4 following year. I didn't believe that -- though a
5 good person with a skill set of our CFO was getting us
6 in the right direction. And so, we made some changes.
7 And right now we have a fund balance of 12 percent,
8 which is standard and in good standing, and we have
9 mitigated the Facilities deficit.

10 Q Okay.

11 A And we had a raise.

12 Q Okay. And let me just mention that it would
13 assist her if you will keep your chin up. When you
14 drop down, it makes it a little bit more difficult for
15 her to hear.

16 A Sure.

17 Q And just slow down just a tad.

18 A I will do my best.

19 Q All right. Thank you.

20 A You are welcome.

21 Q All right. Let's look at number eight.

22 A "Strong communication skills are really
23 important. He or she will need to be able to deliver
24 the district's vision for success in writing or in
25 person with a consistent message that is clear and

0061

1 uniting."

2 Q All right. Is this, again, another statement
3 about marketing?

4 A I think marketing is one term. I think the
5 other term is, how do you reach out to constituents
6 with a message, a message that is connecting to
7 everybody.

8 Q Okay. And how was this being addressed?

9 A It has been actually addressed strongly in the
10 last year. We also made a change in Communications
11 Director --

12 Q Okay.

13 A -- and various savvy and social media. I do
14 vlogs weekly during the school year, where I speak
15 through video to our constituents or stakeholders. We
16 send out a lot of messages through social media, both
17 at the school level and at the district level. And I
18 think it has really changed a lot of perceptions of

19 the district.

20 Q Okay. Let's look at number nine.

21 A "The district's organizational chart needs to be
22 adapted to the decreased size of the district." And
23 we have made some changes in the organizational chart.
24 I think there was a big undertaking to move from
25 16,000, 17,000 students with Jacksonville and then to
0062

1 drop it down to 12,000 students. And that is a
2 learning process that I think from the dissolution of
3 the district to where we are today, I think we are
4 getting some understanding of what the needs are. And
5 that will continue to evolve.

6 Q And how are you obtaining that information in
7 terms of what needs to be adapted and how?

8 A Well, one is you start with your original
9 organizational chart and then you say, "Wow, those
10 people would have been really nice to have, because we
11 still have 12,000 students." But, given that, one of
12 the things I mentioned earlier is distributive
13 leadership, where sometimes you can bring in
14 decision-making entities that comprise of stakeholders
15 who really are doing the effect of instruction, and
16 they can make and replace the decisions that one
17 person can do. And when it is done right, when there
18 are protocols, it is more effective.

19 Q So, you are using -- are you using district
20 level committees or building level committees?

21 A Both. You have to have both. And that's where
22 the School Improvement Plan is so important. We don't
23 -- you know, we have what we call big rocks, AVID and
24 PBIS, and it's expected that those district
25 initiatives are on every plan. And we do, I think, a
0063

1 fairly effective monitoring process. And when I'm
2 walking the buildings or Doctor Warren is walking the
3 buildings or Ms. Smith is walking the buildings, as an
4 example of just three, but we have a lot of people in
5 the schools, we will have conversations on those big
6 rocks. And I think one of the good things of our
7 ability to communicate as a team is when Doctor Warren
8 saw a concern in a building, I saw the same concern.
9 And so, you can support the building decision-making
10 team in conjunction with supports for the district
11 team.

12 Q All right. Let's look at number ten.

13 A "Students would like to have someone who
14 recognizes their voices, is open-minded, objective,
15 decisive, enthusiastic and non-complacent. They asked
16 for more course-related textbooks and better

17 maintenance of instructional equipment." It was a
18 concern walking in. I think we have made some really
19 good progress in not only having more rigorous
20 curriculum, but access to curriculum that all our
21 schools should have had but didn't. I will be frank
22 with you, I was surprised that there was only one
23 African-American studies history course in one school.
24 I gave the directive that there needs to be all four
25 schools.

0064

1 Q You are talking about the high schools?
2 A All high schools. But I think there is
3 opportunities, because I was -- we were in Juneteenth,
4 and my wife was on it, but I was listening sometimes.
5 A hierarchal voice can change the nature of it, and
6 I'm not looking -- I'm looking to listen. And Doctor
7 Warren expressed exactly what I was thinking, is that
8 we are going to build African-American history into a
9 required scope of the history. So, even though I
10 wasn't saying anything, I was smiling greatly about
11 that, because I see the same vision. And then, there
12 are clubs that also should be involved in every school
13 that celebrate African-American scholars and
14 African-American educators and the achievements they
15 have made.
16 Q All right. Having looked at those ten themes
17 that were specific needs identified by the
18 constituents and the employees, let's go back to
19 Exhibit Three, the qualifications that the district
20 was looking for.
21 A Okay.
22 Q Is there a close parallel between what was
23 needed when you arrived, what remains to be focused --
24 remains as a focus, and the skill set that is
25 described in the advertisement?

0065

1 A I don't seem to have that.
2 DOCTOR WARREN: Cody took it.
3 MR. KEES: What do you want?
4 MS. JENKINS: Exhibit Three.
5 THE WITNESS: Yes. Thank you so much.
6 Yeah, I would say in a peripheral reading,
7 there is a close parallel.
8 BY MS. JENKINS:
9 Q Excuse me?
10 A In a peripheral reading, there is a close
11 parallel.
12 Q Peripheral reading?
13 A Just I didn't study it like sometimes I will.
14 Q Okay. All right.

15 MR. KEES: You perused it.

16 THE WITNESS: I perused it.

17 MS. JENKINS: All right.

18 BY MS. JENKINS:

19 Q Let's go back to the discussion of AVID. Why
20 did you choose to implement that?

21 A Because it's systemic, it has got rigor, it has
22 got a focus on African-American students, especially,
23 but, you know, other historically-repressed social
24 groups. It builds a culture-relevant teaching
25 approach. In fact, we are just about ready to head

0066

1 into that now. That is going to affect all schools,
2 all professionals, and all children as implementation
3 goes in. I saw how it affected students in Freeport,
4 and how it impacted not just the secondary life, but
5 the post-secondary with scholarships, because you have
6 to give economic advantages to really make it make a
7 movement that moves forward.

8 Q Okay. And when was the implementation commenced
9 on AVID?

10 A I came in saying at the interview that AVID was
11 going to be part of anything that I did in this
12 district.

13 Q So, you gave the Board notice --

14 A Yes.

15 Q -- that this was something that you wanted to
16 do?

17 A Correct.

18 Q And when did you start implementation?

19 A The minute we started talking. I think almost
20 the minute I got there.

21 Q That's 2018?

22 A 2018. July of 2018. And I think we had it to
23 the Board late fall. I think late fall.

24 Q Of 2018?

25 A Uh-huh. (Indicated yes.)

0067

1 Q Okay.

2 A And then, we started the conversations with
3 AVID. And one of the great things that we did was, we
4 sent our educators to AVID schools under Doctor
5 Warren's leadership, because I have been in AVID
6 schools, so I know what they look like when done well.
7 And I think that in central Arkansas, AVID had been
8 there, but how it has been implemented, I think, is a
9 little different than the way AVID would want us to
10 implement. And they have changed, too, over the
11 years.

12 Q Right. So, who did you delegate --

13 A It is never a delegation for me.

14 Q Okay.

15 A I'm a participant and I support.

16 Q All right. So, are you the point person in
17 terms of implementing it throughout the school
18 district?

19 A So, I asked Doctor Warren, because Equity
20 shouldn't be just about monitoring, it should be about
21 uplifting our children. And AVID is about uplifting
22 our children and our professionals.

23 Q But if AVID is geared towards closing the gap,
24 isn't it a part of the CA&I piece, Curriculum,
25 Achievement, and Instruction?

0068

1 A Uh-huh. (Indicated yes.)

2 MR. KEES: Yes? You have to give a
3 verbal.

4 THE WITNESS: Yes. I'm sorry.

5 BY MS. JENKINS:

6 Q If it is a part of that piece, why, then, was it
7 not implemented by the Deputy Superintendent?

8 A Well, here is the great news. Doctor Warren
9 immediately reached out to the Deputy Superintendent
10 and said it had to be a collaborative experience. And
11 my leadership is always going to be based upon social
12 networking and collaboration.

13 Q Social?

14 A Networking and collaboration. You have to have
15 -- you can't do things in isolation, you can't do
16 things as pilots, because often pilots are established
17 in one particular location and they run their course,
18 and we see a pilot in a building, but we don't really
19 know what is going on. The idea, of course, is that
20 the conversations about AVID aren't just at the
21 Central Office or between two departments. The
22 conversations about AVID are occurring with our
23 children, our families, and our teachers.

24 Q So, you asked Doctor Warren to spear-head the
25 implementation of that?

0069

1 A To take leadership.

2 Q And so, you have been at this a year?

3 A Well, you know, we didn't -- you know, when the
4 pandemic hit, we didn't stop, but it certainly slowed
5 us down a little bit, especially with the next round
6 of professional development. And AVID professional
7 development is much different than your traditional
8 professional development. It is a high energy,
9 culture-building, rigorous. The notion that you go to
10 an AVID conference and you sit and then you go out to

11 a wonderful dinner does not happen. The expectations
12 are high. And I saw that in Freeport.

13 Q Okay. So, in less than a year, you have
14 implemented it kindergarten through sixth grade?

15 A No. Actually, it's in the high schools, too.

16 Q Okay. I thought a moment ago you said that it
17 was a step process?

18 A No, no. It's a step process, but we had certain
19 targeted grade levels at the elementary, targeted
20 grade levels at the middle school, and targeted grade
21 levels at the high school.

22 Q So, you have implemented it K-12 already, in
23 less than a year?

24 A I would say the first stages of implementation,
25 yes.

0070

1 Q Okay. All right.

2 A And you know what, I will tell you that, and I
3 will stand behind it, in 24 buildings, it is a strong
4 implementation.

5 Q Okay.

6 A That AVID is shocked by how well it is going,
7 because you get the right leaders in place with the
8 right supports and the -- I think they did -- I think
9 they have done a really good job of supporting us,
10 too, and working with us. And as the only district in
11 Arkansas that has taken all of our 24 schools through
12 it, I think that's a great message to our community.

13 Q Okay. All right. Have you created a strategic
14 plan for PCSSD?

15 A The strategic plan is the school plans.

16 Q Oh, the school plans? All right.

17 A Because our big number -- our big rocks live in
18 -- the district has two or three big rocks. And the
19 reason I only choose two or three is, the reality is,
20 you know, a lot of school districts will put in
21 multiple plans, multiple goals. And if you can't
22 engage in it, you can't monitor it, they fade away and
23 become checklists.

24 Q Okay. All right. Who was involved in the -- is
25 there a district level strategic plan, or is it just

0071

1 individual building plans?

2 A Okay. Once again, the individual building plans
3 is the district plan.

4 Q Okay.

5 A And our job is -- but the big rocks are the
6 foundation of that. And then, we do a lot of
7 conversations about what is effective instructional
8 programming. Because one-to-one is a really great

9 thing, but what happened with one-to-one is, everyone
10 found their own program that they thought they were
11 going to run their kids through, and then it becomes
12 kind of diffused. So, we do add other things to it,
13 like a phonics instruction, you know, we brought that
14 in, we are going to be having a math adoption that
15 will be elementary, pilot middle, but that's all our
16 schools piloting.

17 Q And who is going to implement that?

18 A That will be working with learning services and
19 the principals. But because AVID is there, it will be
20 easier to support, and because PBIS is there, it will
21 be easier to support.

22 Q And who is going to be responsible for
23 implementing that?

24 A Well, the responsibility is, of course, across
25 the board.

0072

1 Q But who is going to be the taskmaster that sees
2 that it gets done?

3 A And again I'm sharing you a little different
4 philosophy on that.

5 Q Okay.

6 A That the taskmasters, the accountability in
7 leadership has to be across the board. Ms. Smith --
8 we brought together an across grade level team to come
9 up with an effective mathematics instruction based on
10 the research and vetting the blended element of that.
11 And I think there are about four --

12 Q What do you mean, vetting the --

13 A The blending.

14 Q -- blending?

15 A So, that's the digital piece of the textbook.

16 Q Okay.

17 A So, the vetting part is, your core curriculum
18 has to be -- the textbook has to be in line with the
19 goals of the district, but also then the digital
20 component has to be supportive of what is in line with
21 the district and what can also support students.

22 Q Okay. So, basically what you are saying is that
23 you are adding a digital component to the existing
24 math structure?

25 A No.

0073

1 Q Okay.

2 A We are bringing in another math structure.

3 Q Another math structure?

4 A Right. And it's going to come with a digital
5 component --

6 Q Okay.

7 A -- and an assessment component. And it's going
8 to allow us to be better at blended learning.

9 Q Okay. And what do you mean by "blended
10 learning"?

11 A Blended learning is the digital, both I can do
12 it with my computer and I also have the traditional
13 instruction.

14 Q Okay. And who will be ultimately responsible
15 for that program?

16 A Ultimate responsibility will be everybody in
17 Cabinet, and it's always me, too.

18 Q Okay. But whose neck is on the line if
19 implementation isn't successful? Who are you looking
20 to to be responsible for getting it done?

21 A And this is where maybe we are having a little
22 cognitive dissonance here, and that's so cool.
23 Ultimately, I hold myself accountable --

24 Q Certainly.

25 A -- because I have high expectations. Ms. Smith
0074

1 had established the team that went through and looked
2 at many curriculums of many companies. The team chose
3 that. But ultimately, it's going to be about student
4 performance outcomes.

5 Q Okay. All right. But her neck is on the line
6 in terms of getting it done? I'm a bottom line
7 person.

8 A And I think that the problem with the bottom
9 line person is that there's many levels of ownership
10 and accountability.

11 Q Exactly.

12 A And so, for example, if we have a building
13 principal who doesn't follow through on the AVID or
14 PBIS, then -- and I see it successful in 24 buildings,
15 or growing in success, then that was going to be that
16 building principal because they didn't set up
17 distributive leadership opportunities for people to
18 own the process and to carry it forward.

19 Q Okay.

20 A So, there are levels of responsibility.

21 Q But --

22 A And I'm going to answer that as, there are
23 levels of responsibility.

24 Q Okay. Who is responsible district level?

25 A And it's going to be initially with Ms. Smith,
0075

1 but then the rest of the Cabinet who is a part of it.
2 So, for example, Ms. Blackwell does the digital piece,
3 so she is going to be responsible for ensuring that
4 professional development for teachers is effective.

5 You know, we can have the best curriculum in the
6 world, but if we don't support our teachers in the
7 instructional piece, it's a failure.
8 Q Okay. I think I've got that.
9 A I got there? Okay. Thank you.
10 Q Okay. You got there. Thank you.
11 Let's talk about the position of Deputy
12 Superintendent that was vacant when you arrived.
13 A Uh-huh. (Indicated yes.)
14 Q All right. What were the qualifications for
15 that position?
16 A I don't have that in front of me. But really,
17 it is to provide leadership across the district and to
18 push instruction and achievement and reduce the
19 performance gap between our African-American and white
20 students.
21 Q Did you have an advertisement that included the
22 required qualifications?
23 A I hope so. It went through HR.
24 Q Oh, okay. So, I can get a copy of that?
25 A Yes, you can.

0076

1 Q Okay.
2 A Of course you can.
3 Q How many people applied for it?
4 A I want to say we interviewed six to ten.
5 Q Six to ten?
6 A And there is a screening process at HR that I'm
7 not part of.
8 Q Screening before the interview?
9 A Right.
10 Q Okay. And so, you had six to ten who
11 interviewed; is that correct?
12 A I believe so.
13 Q Okay. So, you could have had additional numbers
14 who applied for it?
15 A Yeah.
16 Q All right. Did Doctor Warren apply for that?
17 A Yes, she did.
18 Q All right. Was she qualified for the position?
19 A She was qualified and interviewed.
20 Q And interviewed for it?
21 A Yes.
22 Q When was the position filled?
23 A Wow. I don't quite remember. It was during the
24 school year, I think it was in -- or early August,
25 maybe. I can't be sure.

0077

1 Q So, you commenced your role as Superintendent in
2 July. And then, in August --

3 A Ish.

4 Q -- you employed a Deputy Superintendent who
5 oversaw curriculum -- or who oversees curriculum,
6 achievement, and instruction?

7 A Uh-huh. (Indicated yes.)

8 (WHEREUPON, following a sneeze, a
9 discussion was held off the record.)

10 BY MS. JENKINS:

11 Q All right. What process was followed?

12 A HR has a process based upon unitary status with
13 the deseg order.

14 Q So, you all followed that process. Did the
15 Board recommend a particular candidate?

16 A No.

17 Q Did Doctor Remele recommend a particular
18 candidate?

19 A No.

20 Q Did Doctor Remele give any directions regarding
21 filling the position?

22 A I was going to go with what the team said,
23 right, wrong, or indifferent.

24 Q All right. But did she give any direction?

25 A Not that I was going to take. I'm answering the
0078

1 question.

2 Q Did she give you direction?

3 A I'm answering the question. She did not give me
4 direction on who to hire.

5 Q All right. Did she have any comments regarding
6 Doctor Warren's candidacy?

7 A I think that she had mentioned to me that Doctor
8 Warren had been put up for the position before, and
9 then had held the position for a brief time and the
10 Board voted it down. I believe that's what she said
11 to me.

12 Q The Board voted?

13 A Or voted not to fill the position.

14 Q Okay. Did she -- did Doctor Remele have any
15 comments regarding Doctor Warren's selection for the
16 position?

17 A I told her that the team was going to interview
18 the qualified candidates, and the team would choose
19 the best candidate and I will put forth the best
20 candidate. That's what I said to her.

21 Q But what did she say to you, was my question?

22 A I think that she asked if Doctor Warren had
23 applied.

24 Q Yes.

25 A I said, "Yes, she did." And I said, "And if
0079

1 Doctor Warren ends up with the team's decision as the
2 best candidate," because I know she has a strong
3 skillset, that's what I was going to recommend to the
4 Board.

5 Q And what was Doctor Remele's response?

6 A I think she -- I'm just going to recall, because
7 it was a quick conversation, because I'm very straight
8 up about this. I don't -- you know, my first
9 Superintendency, although small, had nine Board
10 members and I was hired on a 5-4 vote. And at one
11 point in time, they told me, "Well, we are not really
12 happy about some of the decisions you are making."
13 And I said, "I would be happy to finish out my
14 contract and do policy for you, and you can run the
15 district." And they decided not to do that. And I'm
16 very passionate about, when we do the hiring process,
17 we follow the process, it's a one person, one vote. I
18 never overrule the team's decision. And that if the
19 Board chooses to do something else, that's on them.
20 I've got to have a clear conscience.

21 Q But what did Doctor Remele say?

22 A I don't remember. But I remember what I said.

23 Q Okay.

24 A And I was very emphatic about that.

25 Q Was she displeased with Doctor Warren's

0080

1 application being considered?

2 A I had phone conversations with her, so I did not
3 see her face.

4 Q Okay. Did she sound displeased?

5 A I think that she was surprised, and only by the
6 inflection, it was just that I said what I said, that,
7 "I'm going to do what I'm going to do, and that's who
8 I am."

9 Q Okay.

10 A And that's reading into it. And that's as far
11 as I got. Because then, I ended the conversation.

12 Q Okay. From what I hear you saying, it sounds as
13 though she was opposed to Doctor Warren. Was she
14 opposed to Doctor Warren --

15 A She did not --

16 MR. KEES: Object to form. Answer if
17 you can.

18 MS. JENKINS: Let me just rephrase it.

19 BY MS. JENKINS:

20 Q Was Doctor Remele opposed to Doctor Warren being
21 selected as Deputy Superintendent?

22 A It never came to that.

23 Q Okay.

24 A But I made it clear that if we have a candidate,

25 that candidate is going to go to the Board no matter
0081

1 who it is because I'm going to put my weight behind
2 that person.

3 Q Okay. What were the weaknesses in Doctor
4 Warren's candidacy?

5 A You know, that's -- you have done interview
6 processes, I'm sure, we have all been part of that.
7 You know, I think that there's -- I don't think,
8 necessarily, sometimes it is weaknesses that lend a
9 person not to be selected. It's sometimes the
10 strengths and opportunities of the other people. And
11 the people who ranked higher than Doctor Warren had
12 some more -- larger systemic approaches to change and
13 to driving student achievement. But I was -- I
14 enjoyed her presentation and I enjoyed her
15 articulation around the questions.

16 Q And what were Doctor Smith's strengths?

17 A It's very evident she sees systems, she sees how
18 to go in there and gap fill before you establish the
19 system. She is very strong in her communication and
20 her knowledge of curriculum, instruction, assessment,
21 and the feedback, not just at the local teacher level,
22 but as you are working with the building principals
23 and working with the district. And I think the entire
24 committee felt that way.

25 Q Okay. All right. What is your definition of
0082

1 "multi-cultural education"?

2 A It has changed over the years. I think one of
3 the profound life experiences and instructional --
4 learning experiences was when I started at the
5 University of British Columbia and I took a class in
6 multi-cultural education by Doctor Kogila
7 Adam-Moodely.

8 COURT REPORTER: I'm sorry?

9 THE WITNESS: Kogila Adam-Moodely.

10 MR. KEES: You were just going to breeze
11 by that one.

12 MS. JENKINS: Would you like him to
13 supply you with the spelling?

14 COURT REPORTER: He can do it at the end
15 if he wants.

16 BY MS. JENKINS:

17 Q Okay.

18 A And my mom also was from eastern Europe and
19 survived Stalin and Hitler and spent time in
20 internment camps. And so, race is a different
21 development there than in the United States. But
22 Doctor Adam-Moodely was a member of the African

23 National Congress who had been not just an agitator
24 against Apartheid, but ended up in British Columbia.
25 You know, I think that's when I got engaged in

0083

1 critical race theory, which is different than
2 multi-cultural education. Multi-cultural education,
3 unfortunately, has been food, kind of assemblance of
4 certain books that you -- one, just for example, the
5 books teens read, typically, with teen books, our
6 African-Americans would read African-American books,
7 but the whole student population didn't get the same
8 opportunities, there was no, what I would say,
9 aggressive impact of other people's lived experiences.

10 Q You said life experiences?

11 A Lived experiences.

12 Q Lived experiences?

13 A Yeah.

14 Q I wanted to make sure she got it.

15 A So, that was profound for me. It really did a
16 great job of shaking some of my lenses.

17 Q Okay.

18 A Although I came from a favorable disposition.
19 So, for me, it becomes, what multi-cultural really is
20 is the unpacking of what has always been, and a
21 driving force in that every student gets to see the
22 lived experiences of groups of people from their
23 voice, not someone else's voice from a textbook. And
24 that it -- you know, although I'm, you know -- I do
25 like restaurants and food, although I have not been

0084

1 able to get out much. It's not just food, it's the
2 continuing celebration and the aggressive conversation
3 around that, and it's celebration of not just more --
4 not just of a, we are going to have Flag Day, it's a
5 continuous celebration of what the children bring to
6 the table and our families bring to the table.

7 Q Okay.

8 A For all students.

9 Q Your professional training in multi-cultural
10 education, where did that occur?

11 A Well, it started early on, actually, in my
12 interest in what is called common sense ideology from
13 Roxanne Ng. I will spell that, too. And she was a
14 Canadian scholar who talked a lot about how the power
15 of implicit bias and it being normalized
16 disenfranchises people. And then, it went to Barry
17 Troyna. I can spell that, too. He's out of the UK.
18 He had studied a lot about racial hatred and racial
19 acts and how normalization plays a huge part in that.
20 And then, I would say Doctor Adam-Moodely at UBC, he

21 sent me down the road of John Ogbu who did some work
22 in Shaker Heights and the African American populations
23 there. I was at Wisconsin during Ladson-Billings --

24 Q I'm sorry?

25 A I was in Wisconsin with Gloria Ladson-Billings

0085

1 there, and heard some of her words. You know, Cornell
2 West, you know, you can't not but read his work. And
3 then, I think that one of the great benefits of me
4 working and working on my doctorate as a building
5 principal in a diverse school.

6 Q When was that?

7 A That was in Freeport. Was that I could --

8 Q In terms of dates?

9 A 2001 to 2008.

10 Q Okay. All right.

11 A As building principal.

12 Q That's when you were building principal there?

13 A Yes.

14 Q And you were working on your doctorate at that
15 time?

16 A That started in 2005. The first couple of years
17 there, I was 6:00 a.m. to 6:00 p.m., as we all do.

18 But I got to look at the community and listen a lot.

19 I listen a lot.

20 Q Okay. In terms of your professional training,
21 from what I have heard you describe, your -- the
22 exposure that you have referenced sounds more like
23 your private reading, your personal intellectual
24 challenge in terms of professional training.

25 A So, it was through, of course, course work, both

0086

1 at the University of British Columbia and at
2 University of Wisconsin.

3 Q Okay.

4 A When you do your dissertation, you are set with
5 a standard level of books that you need to read, and
6 then unpack and articulate through writing. You know,
7 in Freeport, we again were under a Memorandum of
8 Understanding so we had multiple opportunities of
9 professional development, working with leaders in the
10 African-American community, you know, initial --
11 implicit bias.

12 Q Okay.

13 A But then the institutionalization of race,
14 class, gender, disability and sexuality. I would say
15 that in Waterloo, we led. And Doctor Beverly Smith
16 was again the Associate Superintendent, was
17 well-renowned in -- around Iowa as a presenter of
18 implicit bias.

19 Q Okay.
 20 A And we did some work there together.
 21 Q All right. Excluding the education of your own
 22 children, can you describe in greater detail your
 23 implementation of multi-cultural education as an
 24 educational professional?

25 A Text. You start with diversifying the texts.

0087

1 Q I mean, that you did. Not just how it is done,
 2 but things that you did.

3 A That's exactly what I'm talking about.

4 Q Okay. All right.

5 A Text. Then, when you look at the 90/90/90
 6 research, the importance of inter-rater reliability,
 7 and making sure that --

8 Q You'll have to repeat that.

9 A Inter-rater reliability. Overt writings around
 10 that text, so that you are engaging in the implicit
 11 bias of students. And then the implicit bias,
 12 unfortunately, of our teachers, that has a huge impact
 13 on academic performance. We have aggressively
 14 addressed stereotype threats through Claude Steele and
 15 his book Whistling Vivaldi at the district that I am
 16 at right now, in Waterloo and in Pulaski County. I
 17 have also provided opportunities through dialoguing
 18 around the video, Race, the Power of an Illusion",
 19 which talks about how racism is a social construct
 20 around power, and how it is utilized to disenfranchise
 21 our children and our communities. And then, just
 22 recently at ASCD, I presented --

23 Q What is ASCD? I'm sorry.

24 A I'm going to try. It will come to me. But it's
 25 basically a national curriculum, American Society of

0088

1 Curriculum Directors. And I presented in DC on how to
 2 do systemic equity, which is, of course, dislodging
 3 many of the infrastructure pieces that we have that
 4 create the opportunity gap, because it is socially
 5 constructed by our institutions.

6 Q I'm sorry. You will have to say that again.

7 A Dislodging the pieces that create the
 8 opportunity gap, which is the achievement gap.

9 Q Your voice just dropped, because I wasn't sure
 10 what you said.

11 A That's okay.

12 Q All right. Okay. At Waterloo, you mentioned in
 13 your application the materials and references your
 14 district Core Committees developed formative
 15 assessments for district-wide use. And these were
 16 based on the Iowa core standards. Did the district

17 Core Committees develop multi-cultural educational
18 materials and tools, as well?

19 A That was part of it. They had -- they were slow
20 to recognize the difficulties that African-Americans
21 students were having, that Cambodian students were
22 having, and also Latino students. And one of my big
23 pushes also was to ensure that not only was the
24 curriculum, but the instructional approach was
25 significantly diversified and grounded to culture.

0089

1 Q Okay.

2 A While I was there, we set dual immersion
3 programs in kindergarten on French, because we had a
4 large Cameroon population come into the community.
5 And so it was a great opportunity for white middle
6 class parents to bring the children to a dual
7 immersion French course with our Cameroon children.
8 And those kindergartens had the highest achievement
9 outcomes. Because, you know, if we can speak multiple
10 languages and we give opportunity and, again, leverage
11 around power for our children. So, I established
12 that.

13 Q Okay. Coming into PCSSD, did you find a
14 different environment in terms of multi-cultural
15 education?

16 A You know, I think that, and I have talked to
17 Doctor Warren about this, is that for, I think, for my
18 wife and I, it was a culture shock to some degree,
19 that things are historic and old. And there was
20 rooted dispositions that aren't educationally
21 desirable. And one of the things that I wanted to
22 push forward is that my leadership has no tolerance
23 for histories that take away from our African-American
24 children or our Latino children, or children who, you
25 know, sexual orientation. There is no place for that

0090

1 here while I'm here. Now, I don't expect to root out,
2 as a team, because it's always a team, formative
3 years, but I expect us to engage in a new way that
4 puts to the forefront the academic outcomes of our
5 African American students and our Latino students and
6 our students with IEPs, because they also have
7 horrific achievement outcomes that we intend to
8 change.

9 Q And how has the Board responded?

10 A The Board has been very responsive to this
11 point. You know, I didn't know how the vote would be
12 for AVID, to be up front. It is expensive. But I
13 also feel like it's time to put the money where
14 children need it. The Board has been very responsive.

15 And when I have had some push-back, I have been
16 straight up.

17 Q Okay. Now, you didn't use AVID at Waterloo, I
18 think you mentioned, because the Superintendent --

19 A The Superintendent did not see the value that I
20 saw in it.

21 Q Okay.

22 A Now, I will say to you that part of me staying
23 another year was that it was kind of a quid pro quo
24 that I could bring in AVID if I stayed another year.
25 But I didn't feel comfortable with that, because AVID

0091
1 isn't about making a deal, AVID is about what is right
2 for kids.

3 Q Okay. Before Waterloo, did you have experience
4 other than, I think you said, Freemont?

5 A Freeport.

6 Q Freeport.

7 A Freeport.

8 Q Other than Freeport, in implementing
9 multi-cultural education programs?

10 A That were based in the culture of the students
11 that were at the school, yes, I did.

12 Q And where?

13 A Gladys McCoy Academy. That was in Portland,
14 Oregon. It was a 501c. What we would consider a
15 charter. And the majority of the students were
16 African-American and Latino, and we would do thematic
17 instruction that would locate history of
18 African-American students, especially not just in the
19 United States but in Portland. And it was mostly
20 drop-out retrieval students from public schools.

21 Q Okay. All right. Now, what steps have you
22 taken regarding multi-cultural education at PCSSD?

23 A Well, I think we would start with AVID.

24 Q Okay.

25 A I think that we are looking at bringing in

0092
1 novels and texts that are completely diversified. I
2 think that we are going to start with, 19 months into
3 it, looking at how we change our scope and sequence so
4 that --

5 Q Looking at what?

6 A Change our scope and sequence both at the high
7 school level and at the middle school level. Let me
8 say one thing. We are also changing the scope and
9 sequence to be more favorable to the ACT test.
10 Because the ACT is nothing more than experience. And
11 we find that a lot of our African-American students
12 are not getting the courses that they need to function

13 effectively on the ACT.

14 Q Okay.

15 A And we are going to be changing that.

16 Q All right. We should be done in just a few
17 minutes. What was your understanding of what happened
18 in the construction of Mills High School?

19 A I came in after, of course, it was built. There
20 is a lot of gray around both Mills and Robinson Middle
21 School. I walked them both like when I was first
22 there. And I think I even expressed to Doctor Warren
23 my dismay at Robinson Middle School, because I was a
24 middle school principal, and I had -- it was a fine
25 building built in 1966, and we maintained it and the

0093

1 kids learned, and it was safe. I was surprised at the
2 scope of Robinson Middle, and having 450 kids. I
3 think that at Mills High School there were decisions
4 made, I think under state control, that I was
5 surprised at. It's a beautiful -- I mean, listen. If
6 you are new, and come from where I come from, it's a
7 beautiful building.

8 MR. KEES: You are talking about Mills?

9 THE WITNESS: Mills. But there are
10 things that we have had to mitigate since
11 then. And we just put in \$700,000.00 to make
12 foundational walls and to create a better
13 atmosphere. And then we are in the process
14 of doing kind of a School of Innovation on
15 the side of it that will perform -- that has
16 a performing -- video performing program that
17 is outstanding that would live wonderfully in
18 that building.

19 BY MS. JENKINS:

20 Q Okay. Have you had any contact with Derek Scott
21 since --

22 A No.

23 Q -- since April 3rd?

24 A No. I never met the man.

25 Q Okay.

0094

1 A And don't want to meet the man.

2 Q All right. What contact have you authorized
3 your staff to have with Derek Scott?

4 A I have never authorized contact with Derek
5 Scott.

6 Q What steps have you, as Superintendent, taken to
7 hold him accountable for what appears to have been
8 misappropriation, misapplication of state funds?

9 A That's an ongoing litigation for unitary status
10 in the federal courts.

11 MR. KEES: That's ongoing litigation, is
12 what he said.

13 THE WITNESS: Yes.

14 BY MS. JENKINS:

15 Q But my question was, what steps have you taken,
16 as Superintendent, to hold him accountable?

17 A My answer was, we are in ongoing litigation.
18 And so, I am supportive of that litigation as it moves
19 forward and whatever accountabilities happen to Mr.
20 Scott.

21 Q Okay. Do you know if the ongoing litigation
22 addresses his responsibility?

23 A I think that has been in -- and you know, your
24 client has been part of some of the discussions that
25 have come forward with Joshua -- I'm sorry, the

0095

1 Intervenors, and has been part of some of our
2 preparation of facilities that Mr. Johnson has been
3 working on. He is the Executive Director.

4 Q Okay. But do you know of any steps that have
5 been taken to hold Derek Scott, rather than the
6 district, responsible?

7 A No. I mean, I don't know specific steps.

8 Q Okay. All right. What were the systemic
9 practices that helped the attainment of equitable
10 outcomes for student achievement at Waterloo?

11 A Well, again, it was following a lot of the
12 90/90/90 research that Reeves put forward. You are
13 battling a couple of things. One is, you are looking
14 at making sure that the curriculum changes so it
15 reflects your student population and so kids can
16 connect, see themselves in text. It also comes with
17 common formative assessments. Again, that goes back
18 to inter-rater reliability, which is a way of working
19 with implicit bias. And then it also comes from a
20 continual conversation around the performance gaps
21 that our white students, our African-American
22 students, our Cambodian students, or our Latino
23 students have, and why. And it will also come with
24 the removal of professionals who actively seek to hurt
25 children.

0096

1 Q Okay.

2 MS. JENKINS: That's all I have. Do you
3 have anything you would like to add?

4 MR. KEES: Object to form. Go ahead.

5 THE WITNESS: Thank you.

6 MR. KEES: That's always a bad question
7 to ask for a lawyer.

8 THE WITNESS: Thank you for this

9 morning.

10 MS. JENKINS: Thank you for coming. I
11 appreciate your taking the time to come.

12 THE WITNESS: Thank you. It was nice
13 meeting you. Doctor Warren, I will see you
14 later.

15 MR. KEES: No, she is not going to be
16 there.

17 (WHEREUPON, at 11:45 a.m., the taking of
18 the above-entitled deposition was concluded.)

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0097

1 C E R T I F I C A T E

2 STATE OF ARKANSAS)

)

3 COUNTY OF PULASKI)

4 I, DEBBYE L. PETRE, Certified Court
5 Reporter in and for the County of Pulaski, State of
6 Arkansas, duly commissioned and acting, do hereby
7 certify that the above-entitled proceedings were taken
8 by me in Stenotype, and were thereafter reduced to
9 print by means of computer-assisted transcription, and
10 the same fully, truly, and correctly reflects the
11 proceedings had.

12 I FURTHER CERTIFY that I am not attorney
13 or counsel of any of the parties, nor am I relative or
14 employee of any attorney or counsel or party connected
15 with the action, and have no interest in the outcome
16 or results of this litigation.

17 WHEREFORE, I have subscribed my
18 signature and seal as such court reporter in the City
19 of Little Rock, County of Pulaski, State of Arkansas,
20 this the 10th day of July, 2020.
21
22

23 _____
DEBBYE L. PETRE, CCR
COURT REPORTER IN AND FOR
PULASKI COUNTY, ARKANSAS

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25 ---o---
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